

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOSE VALENTE PALACIOS-MENDEZ,)	
Movant,)	
vs.)	No. 3:16-CV-1774-D
)	No. 3:07-CR-097-D
UNITED STATES OF AMERICA,)	
Respondent.)	

ORDER


After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge, the government's June 27, 2018 objection to the magistrate judge's findings, conclusions, and recommendation, and movant's July 3, 2018 response and amended response to the magistrate judge's report and recommendation, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct, at least based on the current state of Fifth Circuit law. Accordingly, they are adopted as the findings and conclusions of the court.

For the reasons stated in the magistrate judge's findings, conclusions, and recommendation, the court grants movant's motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255. His sentence in Criminal No. 3:07-CR-097-D is vacated, and an amended judgment is at his request entered today, without a resentencing hearing.

The clerk of court is directed to docket this order and the court's judgment granting the motion to vacate, set aside or correct sentence in this case and in Criminal No. 3:07-CR-097-D.

SO ORDERED.

August 16, 2018.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE